

MINUTES

CASE NUMBER: CV NO. 17-00532 HG-RT

CASE NAME: Clifford McArthur Rigsbee, as Personal Representative of the Estate of Clifford Meredith Rigsbee, Deceased v. City and County of Honolulu

ATTYS FOR PLAINTIFF: Howard G. McPherson, Esquire
John T. O'Connell
Abraham Feinstein HILLSMAN, by telephone
John R. HILLSMAN, Esquire, by telephone

ATTYS FOR DEFENDANT: Douglas S.G. Chin, Esquire
Randall K. Schmitt, Esquire
Sabrina M. Kawana, Esquire
Noel C. Capps, Esquire
William W. Drury, Esquire, by telephone

JUDGE: Helen Gillmor

REPORTER: Gloria Bediamol

DATE: 3/1/2019

TIME: 10:40am-12:00pm

COURT ACTION: EP: FINAL PRETRIAL CONFERENCE;

PLAINTIFF'S MOTION TO EXCLUDE UNFOUNDED ECONOMIC OPINIONS (ECF No. 131);

MOTIONS IN LIMINE.

Discussion held.

I. PLAINTIFF'S MOTION TO EXCLUDE UNFOUNDED ECONOMIC OPINIONS (ECF No. 131)

PLAINTIFF'S MOTION TO EXCLUDE UNFOUNDED ECONOMIC OPINIONS (ECF No. 131) is **GRANTED**.

The Court will issue a written order.

II. PLAINTIFF'S MOTIONS IN LIMINE

A. Plaintiff's Motion in Limine #1

PLAINTIFF'S MOTION IN LIMINE NO. 1 RE: USE OF 30(b)(6) DEPOSITION TESTIMONY (ECF No. 137) is **DENIED**.

The Court will issue a written order.

B. Plaintiff's Motion in Limine #2

PLAINTIFF'S MOTION IN LIMINE NO. 2 RE: DEFENSE EXPERT RAPHAEL (ECF No. 138) is **GRANTED**.

The Court will issue a written order.

C. Plaintiff's Motion in Limine #3

PLAINTIFF'S MOTION IN LIMINE NO. 3 RE: DEFENSE EXPERT CALDWELL (ECF No. 139) is **GRANTED, IN PART, AND DENIED, IN PART**.

The Court will issue a written order.

III. DEFENDANT'S MOTIONS IN LIMINE

A. Defendant's Motion in Limine #1

DEFENDANT CITY AND COUNTY OF HONOLULU'S MOTION IN LIMINE NO. 1 RE: PRIOR INCIDENTS (ECF No. 141) is **DENIED**.

Plaintiff is allowed to introduce evidence as to incidents #12 and #22.

The Court will issue a written order.

B. Defendant's Motion in Limine #2

DEFENDANT CITY AND COUNTY OF HONOLULU'S MOTION IN LIMINE NO. 2 RE: SUBSEQUENT REMEDIAL MEASURES (ECF No. 143) is **DENIED**.

The Court will issue a written order.

C. Defendant's Motion in Limine #3

DEFENDANT CITY AND COUNTY OF HONOLULU'S MOTION IN LIMINE NO. 3 TO EXCLUDE CERTAIN OPINIONS BY MARGARET A. MCMANUS (ECF No. 147) is **DENIED**.

Defendant may cross-examine Dr. McManus as to the basis of her expertise which renders her able to form her opinions.

D. Defendant's Motion in Limine #4

DEFENDANT CITY AND COUNTY OF HONOLULU'S MOTION IN LIMINE NO. 4 TO EXCLUDE EXPERT TESTIMONY REGARDING RWC OPERATIONS AND GUIDELINES (ECF No. 145) is **DENIED AS MOOT**.

E. Defendant's Motion in Limine #5

DEFENDANT CITY AND COUNTY OF HONOLULU'S MOTION IN LIMINE NO. 5 TO EXCLUDE OR LIMIT THE LINE-OF-DUTY DEATH INVESTIGATION REPORT (ECF No. 146) is **DENIED**.

The Court will issue a written order.

IV. TRIAL MATTERS

The Parties agree to have expert witness Vernon Williams testify via video conference.

Defendant agrees that Plaintiff may speak to Retired Captain Frank Johnson who is no longer an employee of the Honolulu Fire Department.

Defendant agrees to provide Plaintiff with addresses for witnesses Plaintiff seeks to subpoena, forthwith.

V. FURTHER HEARING

A hearing on the Parties' Objections to Exhibits shall be held on Thursday, March 7, 2019, at 9:30 a.m., before the Honorable Helen Gillmor.

Submitted by: Rachel Sharpe, Courtroom Manager